

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHERYL ANN JONES,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner  
of Social Security Administration,

Defendant.

NO: 12-CV-0594-TOR

REMAND ORDER

BEFORE THE COURT is the parties' Stipulated Motion for Remand, ECF No. 8. The parties have agreed that this case should be remanded pursuant to sentence six of 42 U.S.C. § 405(g) because significant portions of the recording of the hearing held on November 8, 2010 are inaudible. The parties further agreed that upon receipt of this Court's Order of remand, the Appeals Council will remand the case to an Administrative Law Judge for a *de novo* hearing.

Sentence six of § 405(g) authorizes the Court, on motion of the Commissioner of Social Security made for good cause shown before the

1 Commissioner files the Commissioner's answer, [to] remand the case to the  
2 Commissioner for further action by the Commissioner. 42 U.S.C. § 405(g). In a  
3 sentence six remand, the court “does not affirm, modify, or reverse the Secretary's  
4 decision; it does not rule in any way as to the correctness of the administrative  
5 determination.” *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

6 The Court finds good cause exists for remand since portions of the recording  
7 from the hearing before the Administrative Law Judge are inaudible.

8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 9 1. The Parties’ Stipulated Motion for Remand (ECF No. 8) is **GRANTED**.

10 This case is remanded pursuant to sentence six of 42 U.S.C. § 405(g) for  
11 further administrative proceedings. Upon receipt of this Order, the  
12 Appeals Council will remand the case to an Administrative Law Judge  
13 for a *de novo* hearing. The Court retains jurisdiction.

14 The District Court Executive is hereby directed to file this Order, provide  
15 copies to counsel, and administratively **CLOSE** this file subject to reopening when  
16 the Commissioner shall file with the Court any such additional or modified  
17 findings of fact and decision.

18 **DATED** this 17<sup>th</sup> day of January, 2013.

19 *s/ Thomas O. Rice*

20 THOMAS O. RICE  
United States District Judge